

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Alonzo Tyler II
 Shawn Tyler
 Debtors

) Case No. 15-11787
) Chapter 13 Proceedings
) Judge Jessica E. Price Smith

TRUSTEE'S MOTION TO DISMISS CASE FOR LACK OF FEASIBILITY

Now comes CRAIG SHOPNECK, the duly appointed and qualified Standing Chapter 13 Trustee ("Trustee") herein, and represents to the Court that the confirmed Plan of the Debtors herein is not feasible, because it will not be completed within the sixty (60) month maximum period allowed under 11 U.S.C. § 1322(d).

The Trustee represents that the Debtors have incurred new post-petition debt for which claims were filed that render the case not feasible.

As stated in 11 U.S.C. § 1307, the Bankruptcy Code provides that a case may be dismissed for "cause." While "cause" is not specifically defined, the Trustee believes that incurring new post-petition debt without Court permission, and the failure of the Debtors to take steps to complete the Plan within a sixty (60) month period constitutes sufficient cause to dismiss the Chapter 13 case.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court for an Order dismissing this case for cause, pursuant to 11 U.S.C. § 1307(c) of the Bankruptcy Code.

/s/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268 Fax (216) 621-4806

Ch13shopneck@ch13cleve.com

CERTIFICATE OF SERVICE

I certify that on December 6, 2016 a true and correct copy of this Motion to Dismiss Case was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Debra E Booher, on behalf of Shawn Tyler & Alonzo Tyler II, Debtors
at Charlotte@Bankruptcyinfo.Com

And by regular U.S. mail, postage prepaid, on:

Shawn Tyler & Alonzo Tyler II, Debtors, at 4512 Catlin Drive, Richmond Heights, OH
44143

/s/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

(216) 621-4268

CS/bas

12/6/16